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28 **Ever.Ag, LLC**

19 **UNITED STATES DISTRICT COURT**
20 **EASTERN DISTRICT OF CALIFORNIA**

21 Ever.Ag, LLC, a Delaware Limited Liability
22 Company,

23 Case No. 2:21-cv-02233-WBS-AC

24 Plaintiff,
25 vs.
26 **MILK MOOVEMENT, INC., a foreign
27 Corporation, and MILK MOOVEMENT,
28 LLC, a Delaware Limited Liability
Company,**

29 **EVER.AG, LLC'S NOTICE OF
WITHDRAWAL OF NOTICE OF MOTION
AND MOTION TO COMPEL MILK
MOOVEMENT'S RESPONSE TO DAIRY'S
FOURTH SET OF INTERROGATORIES
[ECF NO. 405]**

30 Date: September 6, 2023
31 Time: 10:00 a.m.
32 Ctrm: 26, 8th Floor – Sacramento

33 Action filed: December 2, 2021
34 Trial Date: June 11, 2024

35 *Magistrate Judge Allison Claire*
36 *Ctrm. 26, 8th Floor - Sacramento*

37 MILK MOOVEMENT, INC., a foreign
38 Corporation,

Counterclaimant,

vs.

Ever.Ag, LLC, a Delaware Limited Liability Company,

Counterdefendant.

TO THE COURT, ALL PARTIES, AND THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that Plaintiff and Counterdefendant Ever.AG, LLC

(“Ever.Ag”) hereby withdraws its Notice of Motion and Motion to Compel Milk Moovement’s Response to Dairy’s¹ Fourth Set of Interrogatories, Nos. 26-27 (the “Motion”) (ECF No. 405). Pursuant to this Court’s Order on August 21, 2023 (ECF No. 419), Ever.Ag’s Motion was re-set for hearing on the papers, with Joint Statements due on September 13, 2023.

The parties continued to meet and confer regarding the subject matter of the Motion and reached agreement that Milk Moovement would serve amended interrogatory responses. On September 1, 2023, Milk Moovement served amended responses to the interrogatories that were the subject of the Motion, via email. Therefore, Ever.Ag, LLC hereby respectfully withdraws the Motion without prejudice.

Dated: September 5, 2023

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¹ Dairy, LLC is the former name of Ever.AG, see ECF No. 265.